

SENATE BILL 893

P1, P4, C8

0lr1812
CF HB 908

By: **Senator Garagiola**

Introduced and read first time: February 15, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Clean Energy Center – Miscellaneous Provisions**

3 FOR the purpose of altering the quorum requirement for the Maryland Clean Energy
4 Center Board; altering the minimum vote required for the Board to act;
5 designating employees and officials of the Maryland Clean Energy Center as
6 State personnel under the Maryland Tort Claims Act; authorizing employees
7 and retirees of the Maryland Clean Energy Center to participate in the State
8 Employee and Retiree Health and Welfare Benefits Program, and requiring the
9 Maryland Clean Energy Center to pay to the State the Center's share of the cost
10 of the Program; authorizing the Maryland Clean Energy Center to participate
11 in the Employees' Pension System; and generally relating to the Maryland
12 Clean Energy Center.

13 BY repealing and reenacting, with amendments,
14 Article – Economic Development
15 Section 10–809
16 Annotated Code of Maryland
17 (2008 Volume and 2009 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article – State Government
20 Section 12–101(a)(2)(xii) and (xiii)
21 Annotated Code of Maryland
22 (2009 Replacement Volume)

23 BY adding to
24 Article – State Government
25 Section 12–101(a)(2)(xiv)
26 Annotated Code of Maryland
27 (2009 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – State Personnel and Pensions
 3 Section 2–511 and 31–102(2)(xxii) and (xxiii)
 4 Annotated Code of Maryland
 5 (2009 Replacement Volume and 2009 Supplement)

6 BY repealing and reenacting, without amendments,
 7 Article – State Personnel and Pensions
 8 Section 31–101(a) and (f)
 9 Annotated Code of Maryland
 10 (2009 Replacement Volume and 2009 Supplement)

11 BY adding to
 12 Article – State Personnel and Pensions
 13 Section 31–102(2)(xxiv)
 14 Annotated Code of Maryland
 15 (2009 Replacement Volume and 2009 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 17 MARYLAND, That the Laws of Maryland read as follows:

18 Article – Economic Development

19 10–809.

20 (a) The Board shall determine the times and places of its meetings.

21 (b) (1) ~~[Six members]~~ **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF**
 22 **THIS SUBSECTION, A MAJORITY OF THE APPOINTED AND QUALIFIED MEMBERS**
 23 **of the Board [are] IS a quorum.**

24 (2) **NO LESS THAN FOUR MEMBERS OF THE BOARD SHALL**
 25 **CONSTITUTE A QUORUM.**

26 (c) (1) ~~[The]~~ **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
 27 **Board may act with an affirmative vote of [five Board members] A MAJORITY OF THE**
 28 **APPOINTED AND QUALIFIED MEMBERS OF THE BOARD.**

29 (2) **THE BOARD MAY NOT ACT WITH AN AFFIRMATIVE VOTE OF**
 30 **LESS THAN FOUR BOARD MEMBERS.**

31 Article – State Government

32 12–101.

33 (a) In this subtitle, unless the context clearly requires otherwise, “State
 34 personnel” means:

- 1 (2) an employee or official of the:
- 2 (xii) Somers Cove Marina Commission; [and]
- 3 (xiii) Maryland Workforce Corporation; AND
- 4 **(XIV) MARYLAND CLEAN ENERGY CENTER;**

5 **Article – State Personnel and Pensions**

6 2–511.

7 (a) This section applies to employees of the Maryland Environmental
8 Service, **MARYLAND CLEAN ENERGY CENTER**, and Northeast Maryland Waste
9 Disposal Authority.

10 (b) Subject to the regulations adopted under § 2–503 of this subtitle, an
11 employee or, while receiving an allowance under the Employees’ Retirement System of
12 the State of Maryland or the Employees’ Pension System of the State of Maryland, an
13 employee’s surviving spouse:

14 (1) may enroll and participate in the health insurance or other benefit
15 options established under the Program; and

16 (2) except as provided in subsection (d) of this section, is subject to the
17 same terms and conditions as those provided under § 2–507 of this subtitle.

18 (c) While receiving an allowance under the Employees’ Retirement System of
19 the State of Maryland or the Employees’ Pension System of the State of Maryland, a
20 former employee or a former employee’s surviving spouse or dependent child:

21 (1) may enroll and participate in the health insurance benefit options
22 established under the Program; and

23 (2) except as provided in subsection (d) of this section, is subject to the
24 same terms and conditions as those provided under § 2–508 of this subtitle, with the
25 employee’s service with the Maryland Environmental Service, **MARYLAND CLEAN**
26 **ENERGY CENTER**, and Northeast Maryland Waste Disposal Authority being included
27 as part of the employee’s State service.

28 (d) For each participant under this section, the Maryland Environmental
29 Service, **THE MARYLAND CLEAN ENERGY CENTER**, and the Northeast Maryland
30 Waste Disposal Authority or any successor agency, shall pay to the State the
31 respective employer share of the cost of the Program based on the State subsidy
32 allowed under this subtitle.

1 31-101.

2 (a) In this subtitle the following words have the meanings indicated.

3 (f) "Employees' system" means the Employees' Retirement System or the
4 Employees' Pension System.

5 31-102.

6 Subject to § 22-202(b) of this article, the governmental units that are eligible to
7 participate in the employees' systems are:

8 (2) the following governmental units:

9 (xxii) subject to § 31-106.1 of this subtitle, the Maryland African
10 American Museum Corporation; [and]

11 (xxiii) the Garrett County Office for Children, Youth and Families;

12 **AND**

13 **(XXIV) THE MARYLAND CLEAN ENERGY CENTER, AND,**
14 **TO THE EXTENT AUTHORIZED BY AND IN THE MANNER PRESCRIBED BY FEDERAL**
15 **LAW, EMPLOYEES HIRED THROUGH THE MARYLAND ENVIRONMENTAL SERVICE**
16 **WHO ARE ASSIGNED TO THE MARYLAND CLEAN ENERGY CENTER.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.